



IN THE

Supreme Court of the United States

OCTOBER TERM, 1979

NO. 79-857

THOMAS PAUL RAIMONDI,
Petitioner,

v.

THE COURT OF APPEALS OF MARYLAND
Respondent.

PETITION FOR WRIT OF CERTIORARI
TO THE COURT OF APPEALS
OF MARYLAND

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285 Md 607, 403 A2d 1234

INDEX

TABLE OF CONTENTS

	Page
OPINIONS BELOW.....	2
JURISDICTION	2
QUESTIONS PRESENTED.....	2
STATEMENT OF FACTS.....	3
REASONS FOR GRANTING THE WRIT:—	
I. The Petitioner was deprived of due process of law guaranteed by the Fourteenth Amendment to the Constitution of the United States by the Court's failure to consider Petitioner's full pardon and <i>Md. Ann. Code</i> , Article 10, Section 22 (1957) in denying Petitioner's Petition for Reinstatement.....	4
II. The Petitioner was deprived of due process of law guaranteed by the Fourteenth Amendment to the Constitution to the United States by the Court's denial of reinstatement to the Bar without any evidence contrary to the recommendations for reinstatement by the Inquiry Panel and the Review Board	7

III. The Petitioner was deprived of due process of law guaranteed by the Fourteenth Amendment to the Constitution of the United States by the Court's failure to render a separate considered opinion in denying Petitioner's Petition for Reinstatement.....	9
IV. The Petitioner was deprived of the equal protection of the law guaranteed by the Fourteenth Amendment to the Constitution of the United States by the Court's denial of the Petitioner's Petition for Reinstatement without any rational basis.....	10
V. The Petitioner was subject to cruel and unusual punishment in violation of the Eighth Amendment to the Constitution of the United States by the Court's denial of the Petitioner's Petition for Reinstatement without any rational basis.....	13
CONCLUSION	16

TABLE OF AUTHORITIES

Cases

Barton, In re, 273 Md. 377, 329 A.2d 102 (1974)	7, 13
Braverman, In re, 271 Md. 196, 316 A.2d 246 (1974) ...	11, 12
Brinkerhoff-Faris Trust & Savings Co. v. Hill, 281 U.S. 673 (1930).....	6
Drier, In re, 258 F.2d 68 (3d. Cir., 1958)	16

Furman v. Georgia, 408 U.S. 238 (1972)	15
Garland, Ex Parte, 71 U.S. (4 Wall) 333 (1867)	8, 14
Gault, In re, 387 U.S. 1 (1967).....	15
Gregg v. Georgia, 428 U.S. 153, rehearing denied, 429 U.S. 875 (1976).....	15
Griffin v. State of California, 380 U.S. 609, 85 S. Ct. 1229, 14 L.Ed. 2d 106	14
Heike v. United States, 227 U.S. 131 (1916).....	9
Keenan, In re, 310 Mass. 166, 37 N.E. 2d. 516 (1941)	
Konigsberg v. State of California, 353 U.S. 252 (1957)....	8, 10
Meyerson, In re, 190 Md. 671, 59 A.2d 489 (1948)	13
Murchinson, In re, 399 U.S. 133 (1955)	6
Raimondi, Matter of - Md., 285 Md. 607, 403 A.2d 1234 (1979)	9
Ruffalo, In re, 390 U.S. 544 (1968)	13, 14
Schaeffer v. United States, 362 U.S. 511 (1960).....	9
Schware v. Board of Bar Examiners, 353 U.S. 232 (1957) ...	8
Spevack v. Klein, 358 U.S. 511 (1967)	14
Trop v. Dulles, 356 U.S. 86 (1958)	15
United States v. White, 322 U.S. 694 (1944).....	
Wall, Ex Parte, 107 U.S. 265 (1883).....	13
Weems v. United States, 217 U.S. 369 (1910).....	15
Yick Wo. v. Hopkins, 118 U.S. 356 (1886).....	8

Statutes

Maryland Code Annotated (1957)	
Article 10, Section 20.....	5
Article 10, Section 22.....	2, 3, 4, 5, 6

Page

Constitution of Maryland	
Article III, Section 20	6
Constitution of the United States	
Eighth Amendment	3, 13
Fourteenth Amendment	2, 3, 4, 7, 8, 9, 10, 12

Rules

Maryland Rules of Procedure	
Rule BV 14	3, 4

INDEX TO APPENDIX

Petition for Reinstatement to the Maryland Bar	A. 2
Pardon	A. 6
Report and Recommendation of Inquiry Panel	A. 7
Recommendation of Review Board	A. 22
Show Cause Order, Court of Appeals of Maryland	A. 24
Bar Counsel's Response to Show Cause Order	A. 25
Response to Bar Counsel's Answer	A. 33
Opinion of Court of Appeals of Maryland, 285 Md. 607, 403 A.2d 1234 (1979)	A. 37
Motion for Reconsideration	A. 53
Denial of Motion for Reconsideration	A. 62
Docket Entries, Court of Appeals of Maryland	A. 63
Maryland Code Annotated (1957) Article 10, Sections 20, 22	A. 64

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THE COURT OF APPEALS OF MARYLAND
Respondent.

PETITION FOR WRIT OF CERTIORARI
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OF MARYLAND

Thomas Paul Raimondi, Petitioner, prays that a Writ of Certiorari be issued to review the Judgment of the Court of Appeals of Maryland entered July 25, 1979 (285 Md. 607,

403 A.2d 1234 (1979). Motion for Reconsideration filed on August 23, 1979, Motion for Reconsideration denied on September 10, 1979.

CITATIONS TO OPINION BELOW

The Opinion of the Court of Appeals of Maryland, Misc. (BV) Nos. 3 & 15, September Term, 1977, reported in 285 Md. 607, 403 A.2d 1234 (1979).

JURISDICTION

The Judgment of the Court of Appeals of Maryland sought to be reviewed was filed on July 25, 1979. A timely Motion for Reconsideration filed on August 23, 1979 was denied on September 10, 1979. This Petition for Certiorari was filed within ninety days of the latter date. Jurisdiction of this Court is invoked under Title 28, Section 1257 (3) of the United States Code.

QUESTIONS PRESENTED

1. Was the Petitioner deprived of due process of law guaranteed by the Fourteenth Amendment to the Constitution of the United States by the Court's failure to consider Petitioner's full pardon and *Md. Annotated Code*, Article 10, Section 22 (1957) in denying Petitioner's Petition for Reinstatement?

2. Was the Petitioner deprived of due process of law guaranteed by the Fourteenth Amendment to the Constitution of the United States by the Court's denial of reinstatement to the Bar without any evidence contrary to the recommendations for reinstatement by the Inquiry Panel and the Review Board?

3. Was the Petitioner deprived of due process of law guaranteed by the Fourteenth Amendment to the Constitution of the United States by the Court's failure to render a separate considered opinion in denying Petitioner's Petition for Reinstatement?

4. Was the Petitioner deprived of the equal protection of the law guaranteed by the Fourteenth Amendment to the Constitution of the United States by the Court's denial of the Petitioner's Petition for Reinstatement, without any rational basis?

5. Was the Petitioner subject to cruel and unusual punishment in violation of the Eighth Amendment to the Constitution of the United States by the Court's denial of the Petitioner's Petition for Reinstatement, without any rational basis?

STATEMENT OF FACTS

Petitioner was a licensed attorney and member of the Bar in the State of Maryland. In April 1970, he was convicted of attempted bribery and was sentenced to serve eighteen months imprisonment and pay a \$500 fine. Petitioner submitted his resignation to the Maryland State Bar which was accepted with prejudice in December 1972. Petitioner served five months of the sentence and was paroled in June 1973. He was discharged from parole in July 1974. In May 1975, he was granted a full pardon by the Governor of Maryland.

In accordance with *Md. Annotated Code*, Article 10, Section 22 (1957), (repealed effective July 1977), the Petitioner applied for reinstatement to the Bar in May 1977, pursuant to *Md. Rule BV 14*. Both the Inquiry Panel and the Review Board

recommended reinstatement. The Maryland Court of Appeals denied reinstatement by decision filed July 25, 1979 (285 Md. 607, 403 A.2d 1234 (1979)). Motion for Reconsideration filed on August 23, 1979 was denied on September 10, 1979.

From the decision denying the Petition for Reinstatement and the denial of the Motion for Reconsideration, the Petitioner seeks review in this Court.

REASONS FOR GRANTING THE WRIT

I.

THE PETITIONER WAS DEPRIVED OF DUE PROCESS OF LAW GUARANTEED BY THE FOURTEENTH AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES BY THE COURT'S FAILURE TO CONSIDER PETITIONER'S FULL PARDON AND *MARYLAND ANNOTATED CODE*, ARTICLE 10, SECTION 22 (1957) IN DENYING PETITIONER'S PETITION FOR REINSTATEMENT.

On May 27, 1975 the Governor of the State of Maryland granted to the Petitioner a full pardon absolving him from the guilt of his criminal act and exempting him from any pains and penalties imposed upon him therefore by law (A. 6). Thereafter the Petitioner in May 1977, filed for reinstatement under the provision of Article 10, Section 22 of the *Annotated Code of Maryland*, pursuant to *Md. Rule BV 14* (A. 2).

Article 10, Section 22, **Reinstatement after pardon**, states:

Any attorney heretofore or hereafter suspended or disbarred from the practice of his profession in this State because of the conviction of any misdemeanor, who may have been or may hereafter be pardoned for such misdemeanor by the Governor of this State, *shall*, upon application to the court which issued the order of suspension or disbarment, *be entitled to be reinstated* as a member of the Bar in good standing; provided the court, to which said application may be addressed, shall be satisfied that during the period of his suspension or disbarment he has not violated the provisions of Sec. 20 of this article, and that he is otherwise worthy of reinstatement. The provisions of this article relating to hearing and appeal in proceedings for suspension and disbarment shall be applicable to proceedings for reinstatement under this section. (Emphasis added). (A. 64)

There is no evidence in the record to show any violation of Article 10, Section 20, (A. 64). Furthermore, there is no evidence in the case to support the Court's conclusion that the Petitioner is not worthy of reinstatement.

To the contrary, the record is replete with recommendations for reinstatement by the Inquiry Panel and Review Board (A. 7, 22) created by the Court's own rules.

In the joint opinion filed by the Court of Appeals of Maryland (A. 37) the Court failed to specifically consider the Petitioner's full pardon and *Md. Code Ann.*, Article 10, Section 22, in reaching its decision.

The Court's failure to consider the Petitioner's full pardon and Article 10, Section 22 in its decision to deny reinstatement is a denial of due process in that by ignoring the statutory provision it failed to provide a "fair" procedure.

In *Brinkerhoff-Faris Trust & Savings Co. v. Hill*, 281 U.S. 673, 681 (1930), the Court stated that fairness of procedure is "due process in the primary sense." Further, *In re Murchinson*, 399 U.S. 133, 136 (1955), the Court stated that "a fair trial in a fair tribunal is a basic requirement of due process."

The Court's failure to consider the statutory provision of *Md. Code Ann.*, Article 10, Section 22 is a denial of due process under the Fourteenth Amendment to the Constitution of the United States.

Furthermore, the Court's sole reason for denying Petitioner's Petition for Reinstatement was for the crime he committed which resulted in disbarment. The Court by ignoring the full pardon lawfully granted by the Governor has substituted its authority and judgment to forgive the crime, thereby usurping the power of the Executive in violation of Article III § 20 of the Constitution of the State of Maryland, and the Fourteenth Amendment to the Constitution of the United States.

II.

THE PETITIONER WAS DEPRIVED OF DUE PROCESS OF LAW GUARANTEED BY THE FOURTEENTH AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES BY THE COURT'S DENIAL OF REINSTATEMENT TO THE BAR WITHOUT ANY EVIDENCE CONTRARY TO THE RECOMMENDATIONS FOR REINSTATEMENT BY THE INQUIRY PANEL AND THE REVIEW BOARD.

Under the Rules adopted by the Maryland Court of Appeals, an Inquiry Panel held a full investigatory hearing taking into consideration the following four factors: (1) the nature and circumstances of the Petitioner's original misconduct; (2) the Petitioner's subsequent conduct and reformation; (3) the Petitioner's present character; (4) the Petitioner's present qualifications and competency to practice law. *See In re Barton*, 273 Md. 377, 329 A.2d 102 (1974).

The Panel unanimously concluded that the Petitioner had sustained his burden of establishing fitness acquired since his resignation from the Bar with prejudice, (A. 7) and unanimously recommended that the Petitioner be reinstated to the Bar of the State of Maryland.

The Review Board (A. 22) concurred in and adopted the Inquiry Panel's recommendation that the Petition for Reinstatement should be granted. Thus, the Inquiry Panel and the Review Board, from the uncontradicted facts in the case, found that the Petitioner should be reinstated.

The Maryland Court of Appeals, however, without any evidence to the contrary, reached the decision to deny reinstatement.

In *Schwartz v. Board of Bar Examiners*, 353 U.S. 232, 238, 239 (1957), in finding that the Petitioner was denied due process, the Court stated:

"Even in applying permissible standards, officers of a state cannot exclude an applicant when there is no basis for their finding that he fails to meet these standards, or when their action is invidiously discriminatory. *Yick Wo. v. Hopkins*, 118 U.S. 356, 6 S. Ct. 1074, 30 L.Ed. 220."

In *Ex Parte Garland*, 71 U.S. (4 Wall) 333, 379 (1867) the Court stated that:

"The attorney and counsellor being, by the solemn judicial act of the Court, clothed with his office, does not hold it as a matter of grace and favor. The right which it confers upon him to appear for suitors, and to argue causes, is something more than a mere indulgence, revocable at the pleasure of the Court, or at the command of the legislature."

See also *Konigsberg v. State of California*, 353 U.S. 252, 262 (1957), where the Court held that to deny admission to the Bar for no valid reason denied due process of law to the applicant.

The Court's decision in denying reinstatement without any evidence contrary to the recommendation for reinstatement by the Inquiry Panel and the Review Board is a denial of due process under the Fourteenth Amendment to the Constitution of the United States.

III.

THE PETITIONER WAS DEPRIVED OF DUE PROCESS OF LAW GUARANTEED BY THE FOURTEENTH AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES BY THE COURT'S FAILURE TO RENDER A SEPARATE CONSIDERED OPINION IN DENYING PETITIONER'S PETITION FOR REINSTATEMENT.

The Maryland Court of Appeals on July 25, 1979, filed a joint opinion in *The Matter of Raimondi and Dippel*. The Court correctly stated "The cases are in no way connected." (A. 37).

For the very reason that the cases are in no way connected, the Petitioner is entitled to a separate considered opinion — an independent and unbiased evaluation of the evidence within the framework of the Petitioner's case.

Although not precisely analogous, there are cases stating that the failure to allow separate criminal trials in instances where multiple defendants are charged constitute a denial of due process where the discretion of the trial judge is abused. Cf. *Schaeffer v. United States*, 362 U.S. 511 (1960) and *Heike v. United States*, 227 U.S. 131 (1916).

The Petitioner is entitled to have the evidence in his case considered particularly and not generally under the principles of law and not in the light of the policy of the Court. The principles of law remain immutable but the policy of the Court is subject to change.

The Court was prejudiced in its process of considering in a single opinion the unrelated cases of the Petitioner and Dippel. Petitioner was convicted of a *misdemeanor* and *pardoned*. Dippel was convicted of a *felony*. Petitioner was unopposed for reinstatement. Dippel's reinstatement was strongly opposed by two past presidents of the Maryland State Bar Association (A. 42). Petitioner's Inquiry Panel and Review Board recommended reinstatement (A. 7, 22, 48). Dippel's Inquiry Panel and Review Board recommended against reinstatement (A. 40, 45).

The Maryland Court of Appeals abused its discretion in deciding these unrelated cases together to the detriment of the Petitioner and constitutes a denial of due process in violation of the Fourteenth Amendment to the Constitution of the United States.

IV.

THE PETITIONER WAS DEPRIVED OF THE EQUAL PROTECTION OF THE LAW GUARANTEED BY THE FOURTEENTH AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES BY THE COURT'S DENIAL OF THE PETITIONER'S PETITION FOR REINSTATEMENT WITHOUT ANY RATIONAL BASIS.

The Court's decision in denying the Petitioner's Petition for Reinstatement was without any rational basis. Both the Inquiry Panel and the Review Board recommended reinstatement, and there was no evidence offered to the contrary.

In *Konigsberg v. State Bar of California*, 353 U.S. 252, 262 (1957) the Court noted:

"Knoigsberg claims that he established his good moral character by overwhelming evidence and carried the burden of proving that he does not advocate overthrow of the Government. He contends here, as he did in the California court, that there is no evidence in the record which rationally supports a finding of doubt about his character or loyalty. If this contention is correct, he has been denied the right to practice law although there was no basis for the finding that he failed to meet the qualifications which the State demands of a person seeking to become a lawyer. If this is true, California's refusal to admit him is a denial of due process and of equal protection of the laws because both are arbitrary and discriminatory. After examination of the record, we are compelled to agree with Konigsberg that the evidence does not rationally support the only two grounds upon which the Committee relied in rejecting his application for admission to the California Bar. (Footnotes omitted)."

In re Braverman, 271 Md. 196, 316 A.2d 246 (1974), the applicant was guilty of the crime of conspiring to teach and advocate and to organize the overthrow of the government by force and violence. Braverman was a convicted, unpardoned felon and unrepentent. Braverman took the oath to support the Constitution and laws of State and Nation. The Maryland Court of Appeals reinstated him, holding that Braverman had in fact "demonstrated his fitness to be reinstated to practice law by clear and convincing proof." 271 Md. at 210, 316 A.2d at 253.

In denying Raimondi's Petition, the Court stated that Petitioner took an oath to support the Constitution and laws of Maryland but his crime struck "at the very foundation of our government." (A. 57). Braverman also took the same oath to support the Constitution and laws of Maryland. Did not Braverman's crime also "strike at the very foundation of our government?"

It is respectfully submitted that the evidence in this case is equally, if not more, clear and convincing than in *Braverman*, *supra*, that the Petitioner has met the basic standards governing reinstatement. No contrary testimony or evidence was produced to support the conclusions that Petitioner had not rehabilitated himself and was not worthy of reinstatement.

The Inquiry Panel "concluded that insofar as the nature and circumstances of Raimondi's misconduct is concerned, his reinstatement would not be prejudicial to the interest of the public or the administration of justice." (A. 13). The Inquiry Panel further "found that Raimondi has met the burden of establishing that his conduct and reformation since his release from prison warrant his reinstatement to the practice of law." (A. 16). It also found that he "has met the burden of establishing that his present character merits favorable consideration for his readmission to the Bar." (A. 17).

In light of the facts in this case and the *Braverman* case, the decision in this case was arbitrary and capricious and without any rational basis in violation of the equal protection clause of the Fourteenth Amendment to the Constitution of the United States.

V.

THE PETITIONER WAS SUBJECT TO CRUEL AND UNUSUAL PUNISHMENT IN VIOLATION OF THE EIGHTH AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES BY THE COURT'S DENIAL OF THE PETITIONER'S PETITION FOR REINSTATEMENT WITHOUT ANY RATIONAL BASIS.

The Maryland Court of Appeals states in its opinion that "there may be a point in time when it is proper to reinstate to the practice of law even one who has committed a most heinous crime." (A. 49). But, despite this language, the Maryland Court of Appeals, by denying the Petitioner's reinstatement upon the facts in this case, has stated, in effect "NEVER, NEVER." This imposes an impossible burden upon the Petitioner to overcome. Considering the quasi-criminal nature of disbarment and disciplinary proceeding, the Court's denial of Petitioner's Petition for Reinstatement constituted cruel and unusual punishment in violation of the Eighth Amendment to the Constitution of the United States.

Although the statement to the effect that the *purpose* of disbarment is not to punish, but to protect the public is often made by the Courts, *see e.g. In re Barton*, 273 Md. 377, 329 A.2d 102, 104 (1974); *In re Meyerson*, 190 Md. 671, 52A. 489, 491, (1948); *Ex parte Wall*, 107 U.S. 265, 288 (1883), it can hardly be denied that a result of such a proceeding is often the infliction of a penalty or punishment. As the Court stated in *In re Ruffalo*, 390 U.S. 544 (1968), a case in which an attorney was indefinitely suspended from practice for misconduct of which he was not aware before proceedings

against him began: "Disbarment, designed to protect the public, is a punishment or penalty imposed on the lawyer." 390 U. S. at 550.

In *Spevack v. Klein*, 385 U. S. 511, 515-516 (1967), a case dealing with Fifth Amendment protections and the right of an attorney to seek such protections, the Court noted:

"In this context 'penalty' is not restricted to fine or imprisonment. It means, as we said in *Griffin v. State of California*, 380 U. S. 609, 85 S.Ct. 1229, 14 L. Ed. 2d 106, the imposition of any sanction which makes assertion of the Fifth Amendment privilege "costly". *Id.*, 380 U. S. at 614, 85 S. Ct. at 1233.

The threat of disbarment and the loss of professional standing, professional reputation and of livelihood are powerful forms of compulsion to make a lawyer relinquish the privilege"

In *Ex Parte Garland*, 71 U. S. (4 Wall) 333, 337 (1867) the Court stated:

"And exclusion from any of the professions or any of the ordinary avocations of life for past conduct can be regarded in no other light than as *punishment* for such conduct." [Emphasis supplied]

Of critical importance in attempting to extend the prohibition against cruel and unusual punishment to a disbarment or related reinstatement proceeding is the statement in *In re Ruffalo*, 380 U. S. at 551 as to the nature of these types of

proceedings: "These are adversary proceedings of a quasi-criminal nature. Cf. *In re Gault*, 387 U. S. 1, 33, 87 S. Ct. 1428, 1446, 182 L. Ed. 2d 527."

What constitutes cruel and unusual punishment? In *Trop v. Dulles*, 356 U.S. 86 (1958), this Court, in a plurality opinion, held that the denaturalization of a citizen who was guilty of desertion during wartime was cruel and unusual punishment. In recognizing the decision of *Weems v. U. S.*, 217 U. S. 349 (1910) this Court in *Trop v. Dulles*, 356 U. S. at 100-01 stated that:

"The Court recognized in that case that the words of the Amendment are not precise, and that their scope is not static. The Amendment must draw its meaning from the evolving standards of decency that mark the progress of a maturing society."

In *Gregg v. Georgia*, 428 U. S. 153, *rehearing denied*, 429 U. S. 875 (1976), this Court, in the joint opinion of Justices Stewart, Potter and Stevens, quoting *Weems v. United States*, 217 U. S. 349, 373, (1910) stated:

" . . . Thus the clause forbidding 'cruel and unusual' punishments is not fastened to the obsolete but may acquire meaning as public opinion become enlightened by a humane justice." *Id.*, at 378, 30 S. Ct. at 553. See also *Furman v. Georgia*, 408 U. S. at 429-430, 92 S. Ct. at 2823-2824 (Powell, J., dissenting)."

It is respectfully submitted that denial by the Maryland Court of Appeals of Petitioner's reinstatement is based on

standards above and beyond those standards imposed upon an individual by society and law, and places the Petitioner in the onerous position of being unable, by any avenue or vehicle provided by society or law, to eliminate the burden which in effect the Court has made eternal. For no more favorable result could be obtained than the decisions of the Inquiry Panel and Review Board which both recommended reinstatement after a complete review of the facts and a very thorough hearing.

To refuse to adopt their recommendations is both arbitrary and capricious and under the facts in this case the Maryland Court of Appeal's decision denying the Petitioner's Petition for Reinstatement without a rational basis is cruel and unusual punishment in violation of the Eighth Amendment to the Constitution of the United States.

CONCLUSIONS

The American Bar Association, *Canon I, Ethical Consideration, Code of Professional Responsibility*, states that when a lawyer's disqualification to practice law has terminated, "members of the Bar should assist such person in being licensed, or if licensed, in being restored to his full right to practice." *In re Drier*, 258 F. 2d, 68, 69-70 (3d. Cir. 1958).

For the reasons above stated, Petitioner prays that his Petition for a Writ of Certiorari be granted by this Honorable Court.

Respectfully submitted,

RAYMOND R. DICKEY, ESQ.
JEROME A. DASHNER, ESQ.

Attorneys for Petitioner

APPENDIX

IN THE MATTER OF	*	IN THE
THE REINSTATEMENT OF	*	COURT OF APPEALS
THOMAS PAUL RAIMONDI	*	OF MARYLAND
1626 Lochwood Road	*	Misc. Docket (BV) 3
Baltimore, Maryland 21218	*	September Term, 1977

PETITION FOR REINSTATEMENT TO THE BAR

Filed May 16, 1977

TO THE HONORABLE, THE JUDGES OF SAID COURT:

Now comes your Petitioner, Thomas Paul Raimondi, by his attorney, Jerome A. Dashner, and respectfully petitions for his reinstatement to the Maryland Bar under Rule BV 14 of the Maryland Rules of Procedure and says:

1. That he was convicted by a jury of attempted bribery in the Criminal Court of Baltimore City on April 24, 1970. (Docket 1968/7866).

2. That he was sentenced on August 31, 1970 to serve eighteen (18) months and pay a Five Hundred (\$500.00) Dollar fine.

3. That his resignation with prejudice from the Maryland State Bar was accepted on December 29, 1972 by this Court. (Misc. Docket (BV) 6, 1972).

A. 2

4. That he was incarcerated on January 3, 1973, was paroled June 5, 1973 and he was discharged from parole on July 3, 1974.

5. That he was granted a full and absolute Pardon by the Governor of the State of Maryland on May 27, 1975. (Copy of which is attached hereto and marked "Exhibit #1").

6. That since June 5, 1973 he has been employed as follows:

- a. June 1973: Halcyon Holding Company
- b. January 7, 1974 to July 1, 1974: Deputy National Director — National Association for Justice, Washington, D. C.
- c. July 1, 1974 to date: State of Maryland, Department of Licensing and Regulation.
 - (1) July, 1974 to April, 1976, Inspector, Maryland State Board of Censors.
 - (2) April 7, 1976 to date, Hearings Officer, Insurance Division

7. That in the duties of Hearing Officer, Insurance Division, State of Maryland, your Petitioner has conducted and presided over some three hundred and fifty (350) hearings, resulting from complaints and proposals arising under Art. 48A of the Annotated Code of the State of Maryland, and that in his quasi-judicial capacity in the conduct of these formal administrative hearings and in the rendering of written decisions

A. 3

based upon the record, your Petitioner has clearly demonstrated his competency and knowledge of the current law and his fitness to be reinstated to the Bar in good standing.

8. That since your Petitioner was paroled on June 5, 1973 he has:

- a. Attended graduate school at George Washington University, Washington, D. C. and the University of Baltimore and has been awarded the Master of Public Administration Degree with high honors from the University of Baltimore on December 22, 1976;
- b. Been admitted to Phi Alpha Alpha, the National Honorary Society for Public Affairs and Administration;
- c. Served on the Steering Committee for accreditation of the University of Baltimore by the Mid-Atlantic Association of Colleges and Universities (1975 to 1977);
- d. Founded and served as the first President of the M.P.A. Student Association, University of Baltimore (1975 to 1977);
- e. Been elected to the Grand Council of Maryland, Fraternal Order, Sons of Italy in America as a Grand Trustee;
- f. Actively participated in the support of charitable and civic activities such as the Baltimore

A. 4

City Fair, the Italian Festival and the Associated Italian Charities;

- g. During this period, maintained a proper home and provided love, affection and support for his wife and their six children, three of whom are now attending college;

9. That in accordance with Article 10, Section 20 of the Annotated Code of Maryland, he has not practiced law in this State in any form, either as principal or agent, clerk or employee of another and has not appeared as an attorney or counselor of law before any court, judge, justice, board, commission or public officer, or prepared any Will, mortgage or deed.

10. That the crime of which he was convicted, attempted bribery, is a misdemeanor.

11. That he applies for reinstatement to the Maryland Bar in accordance with the provision of Article 10, Section 22 of the Annotated Code of Maryland.

WHEREFORE, your Petitioner respectfully prays that having been fully rehabilitated and having been granted a Pardon that this Honorable Court reinstate your Petitioner as a Member of the Bar in good standing.

A. 5

I DO SOLEMNLY DECLARE AND AFFIRM, under the penalties of perjury, that the contents of the foregoing document are true and accurate.

/s/ Thomas Paul Raimondi
Petitioner

/s/ Jerome A. Dashner
112 Equitable Building
Baltimore, Maryland 21202
717-2412
Attorney for Petitioner

I HEREBY CERTIFY that on this 14th day of May, 1977, a copy of the foregoing Petition for Reinstatement was mailed to L. Hollingsworth Pittman, Esquire, Counsel for the Maryland State Bar Association, District Court Building, Taylor Avenue and Rowe Boulevard, Annapolis, Maryland 21401

/s/ Jerome A. Dashner

A. 6

**STATE OF MARYLAND
EXECUTIVE DEPARTMENT
FULL PARDON**

BE IT KNOWN, that, WHEREAS a certain THOMAS PAUL RAIMONDI was convicted of Attempted Bribery of a State Official in The Criminal Court of Baltimore on April 24, 1970 and on August 31, 1970 was sentenced to serve eighteen months and pay a fine of \$500.00 and costs; and

WHEREAS, the said THOMAS PAUL RAIMONDI has been recommended to the clemency of the Governor by the Maryland State Board of Parole,

NOW THEREFORE I, MARVIN MANDEL, GOVERNOR OF THE STATE OF MARYLAND, having thought proper the extension of such clemency, do hereby, in pursuance of the authority vested in me by law, grant unto the said THOMAS PAUL RAIMONDI a FULL PARDON, absolving him from the guilt of his criminal act and exempting him from any pains and penalties imposed upon him therefore by law.

GIVEN UNDER MY HAND AND
THE GREAT SEAL OF MARY-
LAND, in the City of Annapolis
on this 27th day of May, 1975

/s/ Marvin Mandel
Governor

/s/ Fred L. Wineland
Secretary of State

"EXHIBIT 1"

A. 7

**REPORT AND RECOMMENDATION
OF INQUIRY PANEL**

File No. 77-459-4

Date Forwarded to Panel by Bar Counsel: March 17, 1978

Attorney

Thomas Paul Raimondi
1500 Cranwell Road
Lutherville, Maryland 21093

Nature of Proceeding

On May 16, 1977, a Petition for Reinstatement to the Maryland Bar was filed by Thomas Paul Raimondi (Petitioner) under Rule BV14 of the Maryland Rules of Procedure¹. Pursuant to Rule BV14 d.2., the Court of Appeals reserved judgment until after hearing, Bar Counsel conducted an investigation of the allegations of the Petition and on March 17, 1978 the matter was referred to this Panel selected by the Chairman of the Inquiry Committee, to be heard and determined in accordance with Section c of Rule BV6.

Petitioner was on April 24, 1970 convicted by a jury in the Criminal Court of Baltimore City of Attempted bribery of a Maryland State Senator in connection with the election by the

¹The Petition for Reinstatement states that it is filed under Rule BV14 but also makes reference in paragraph 11 to Article 10, Section 22 of the Annotated Code of Maryland. The latter section was repealed subsequent to the filing of the Petition by Acts 1977, ch. 305 effective July 1, 1977.

A. 8

Maryland General Assembly of a Governor to serve the unexpired portion of the term of Spiro T. Agnew who had, in November, 1968, been elected Vice President of the United States. Petitioner's conviction was affirmed on appeal by both the Court of Special Appeals and the Court of Appeals of Maryland. The United States Supreme Court denied Certiorari. Petitioner's resignation with prejudice from the Bar of the State of Maryland was accepted by the Maryland Court of Appeals on December 29, 1972. Petitioner was sentenced to a term of 18 months and a fine of \$500. He was incarcerated from January 3, 1973 through June 5, 1973 and thereupon paroled. He was discharged from parole on July 3, 1974. Petitioner was granted a full pardon by Governor Marvin Mandel on May 27, 1975.

Statement of the Issues

Rule BV14 requires that a Petition for Reinstatement shall set forth facts showing that the Petitioner is (a) rehabilitated and (b) otherwise entitled to the relief sought. The Court of Appeals in *In re Meyerson*, 190 Md. 671, 59 A.2d 489 (1948), and more recently in *In re Braverman*, 269 Md. 661, 309 A.2d 468 (1973); 271 Md. 196, 316 A.2d 246 (1974) and *In re Barton*, 273 Md. 377, 329 A.2d 102 (1974) has stated that the ultimate issue is whether the Petitioner can demonstrate "fitness acquired since unfitness was established by the disbarment". The latter two cases have elaborated further by stating that in making its recommendation with respect to a Petition for Reinstatement, the fact finding Panel should evaluate in particular the following four factors:

1. The nature and circumstances of the Petitioner's original misconduct.

A. 9

2. The Petitioner's subsequent conduct and reformation.
3. The Petitioner's present character.
4. The Petitioner's present qualifications and competency to practice law.

In considering these factors and arriving at a recommendation with respect to the ultimate issue, the Panel is cognizant that the final judgment convicting Petitioner of attempted bribery is conclusive proof of his guilt of that crime (Rule BV10 e.1. - made applicable to these proceedings by Rule BV14 d.5.) and that the burden lies upon the Petitioner to establish "by clear and convincing proof" that he has acquired fitness since having been established to be unfit to practice law (Rule BV14 d.4).

Recommendation

The Panel unanimously recommends that the Petitioner be reinstated to the Bar of the State of Maryland.

Reasons for Recommendation

The Panel unanimously concludes that the Petitioner has sustained his burden of establishing fitness acquired since his resignation from the Bar with prejudice. This conclusion is based upon the Panel's following findings from the testimony and exhibits in the record with respect to the four factors set out above in the Statement of the Issues.

Nature and Circumstances of the
Petitioner's Original Misconduct

Petitioner was convicted of having attempted in late 1968 to bribe State Senator John J. Bishop, Jr. in order to influence the outcome of a then pending special election by the Maryland General Assembly of a new Governor to complete the unexpired portion of the term of Spiro T. Agnew. That conviction was affirmed on appeal. Notwithstanding that Petitioner subsequently received a Full Pardon from Governor Marvin Mandel on May 27, 1975, the Panel must conclusively presume that he did in fact commit that act for which he was convicted. Nevertheless, the circumstances under which the act was committed are proper matters for the Panel to consider in making its recommendation.

Petitioner graduated from the University of Maryland Law School in 1953, was admitted to the Maryland Bar in October, 1953, served two years on active duty in the United States Army and commenced practicing law in 1956. He was active in several political organizations and served for a time as Acting Zoning Enforcement Officer in Baltimore City and as a Justice of the Peace. In 1968, he filed as a Republican candidate for Congress from the Fourth Congressional District and won the nomination by a narrow margin. Following his nomination he was introduced to Senator John J. Bishop, Jr. who was responsible for coordinating and directing efforts in Maryland to elect Republican Congressmen and who, according to Petitioner's testimony, had control over the availability of funds from the National Committee to support such efforts.

Petitioner lost to Congressman George Fallon in the general election of November, 1968. Petitioner testified that

shortly thereafter he had a conversation with Senator Bishop concerning the debt which Petitioner's campaign committee had incurred and that this conversation evolved into a discussion and numerous further conversations concerning the then pending special election by the General Assembly of Maryland to elect a new Governor to complete the unexpired term of Spiro T. Agnew. In its indictment (B.C. Ex. 1) filed December 19, 1968 in the Criminal Court of Baltimore City, the Grand Jury charged that between November 27, 1968 and December 18, 1968 Petitioner attempted in a series of personal and telephone conversations to bribe Senator Bishop by offering him \$75,000 - \$100,000 for the purpose of having Senator Bishop obtain 25-33 votes of the Republican members of the General Assembly of Maryland, including the vote of Senator Bishop, in favor of an unnamed gubernatorial candidate selected by Petitioner or by unnamed persons for whom Petitioner was allegedly acting, such votes to be cast at such time as the General Assembly would meet for the purpose of choosing the Governor of Maryland to fill the unexpired term of Governor Spiro T. Agnew, Vice President of the United States of America. Petitioner was tried by a jury and convicted.

Attempted bribery of a State Senator is undoubtedly a serious crime involving moral turpitude, notwithstanding that it is a misdemeanor (see *State v. Canova*, 278 Md. 483, 365 A.2d 988 (1976)). But for the Executive Pardon which he received after serving a prison term, Petitioner would be forever disenfranchised and disqualified from holding any office of trust or profit in this state (Article 27, Section 23 of the Annotated Code of Maryland). Although Petitioner testified before the Panel that his series of conversations with Senator Bishop concerning the pending election of a new Governor were initiated and pursued by Senator Bishop rather than by

Petitioner, he makes no plea that his conviction was founded upon insufficient evidence. Indeed if he did, this Panel could not consider such a contention in weighing his Petition for Reinstatement. We must proceed from the basis that he stands convicted. Starting from that basis, however, the nature and circumstances of Petitioner's misconduct as evidenced by the record before us lead us to the conclusion that his reinstatement would not be prejudicial to the administration of justice.

Admittedly, it cannot be said here, as it was in *Braverman*, that public attitudes and developments in the law have changed with respect to the crime of which Petitioner was convicted. Nevertheless, it is certainly true that a very unique set of circumstances combined to set the stage for Petitioner's acts. In his testimony before the Panel, the then States Attorney, Charles E. Moylan, Jr., stated that although his office viewed the crime as serious in terms of its impact on the governmental structure, "We did not think that there was too great an imminent danger of its coming to fruition because it was just a little bit too bizarre to be - - it was a long, long shot even from the point of view of those attempting to perpetrate it." (T. Vol. 1 pp. 49-50).

The Panel attaches little weight to the testimony of several witnesses that Petitioner's indictment may have been politically inspired (T. Vol. 1 pp. 59-60; T. Vol. 2 pp. 14-15). However, it appears to be uncontroverted that no other persons were ever identified as having acted in concert with Petitioner, it was never established how Petitioner could ever obtain the funds to carry through the acts for which he was indicted and convicted and there was never an identification of any specific candidate for whom he was attempting to buy votes. These circumstances, as well as the above noted opinion of the then States Attorney,

tend to support Petitioner's contention (T. Vol. 2 p. 119) that the offers of money to Senator Bishop for the stated purpose of buying votes in the Maryland Legislature were part of a scheme to publicly embarrass Senator Bishop because of Petitioner's bitterness toward the Republican national organization in Maryland for failing to support his campaign against Congressman Fallon as he felt it should have.

In the final analysis, based upon the record before it and its observation of Petitioner during his testimony, the Panel agrees with the remarks of Norman Polovoy, who has known the Petitioner both socially and professionally for approximately 27 years, that what Petitioner did was "stupid", "irrational" and "out of character" (Vol. 2 pp. 71-72). Although it was a serious act, it appears to have been perpetrated for purposes of embarrassing Senator Bishop rather for any apparent personal gain. The testimony of Dr. Jonas Rappaport, who examined Petitioner on behalf of Bar Counsel subsequent to the filing of his Petition for Reinstatement, confirmed that in his opinion there are no serious defects in Petitioner's morality and that Petitioner is unlikely to become similarly involved in the future.

We conclude that insofar as the nature and circumstances of Petitioner's misconduct are concerned, his reinstatement would not be prejudicial to the interests of the public or to the administration of justice.

The Petitioner's Subsequent
Conduct and Reformation

The record amply supports the outline in paragraphs 6 and 8 of the Petition for Reinstatement of Petitioner's employment, educational advancement and community involvement since his release from prison in June, 1973. Following such release he held a part-time position with the Maryland State Board of Censors and took several examinations for other administrative positions for which he was turned down because of his conviction. He pursued and obtained a Pardon in May, 1975, following which he passed a competitive examination and was selected as a hearing officer in the Insurance Division for the State of Maryland, a position he has held from April, 1976 to the present time.

Hearing officers are required to be attorneys but need not be members of the Bar. Petitioner's duties, as described by Insurance Commissioner Edward Birrane, are to conduct hearings dealing with alleged violations of the State Insurance Code by insurance companies, agencies, brokers or other licensees of the Insurance Division as well as consumer complaints concerning the alleged failure of insurance companies to observe underwriting rules or to conduct proper claims procedures, to make findings of fact and conclusions of law and to render opinions and orders, subject to review by the Insurance Commissioner. By Petitioner's own testimony, he "knew nothing about insurance law" when he was appointed a hearing officer although he had had some administrative law experience. He studied and learned on the job. In Mr. Birrane's opinion, Petitioner is an excellent hearing officer, both in his

evenhanded conduct of proceedings and his current knowledge of insurance law in Maryland. This opinion was further confirmed by the testimony of Emmanuel Horn, Esq. and Thomas Waxter, Esq., who have participated in numerous hearings before Petitioner in his capacity as a hearing officer.

In September, 1975, Petitioner enrolled in a then new Master in Public Administration program at University of Baltimore, from which he graduated in June, 1977 with a Masters Degree and one of the higher grade averages in the graduating class.

Since his release from prison, Petitioner has been very active in the Order of the Sons of Italy, having been elected by his Lodge to be a Grand Trustee, a position which requires the expenditure of funds and which he has held for 4 years. In 1975, he chaired the Italian participation in the Baltimore City Fair.

Several witnesses testified to Petitioner's close ties with his family, and this was evident as well from his own testimony.

Petitioner's testimony regarding his efforts to seek employment from the time of his release from prison through his successful pursuance of a pardon and his subsequent application to and acceptance by the Insurance Division as a Hearing Officer, combined with the furtherance of his education and his civic activities, impress us that he has made a strong and consistent effort to regain a position of respect in both the legal community and the community at large.

Bar Counsel has cited *In re Barton* as suggesting that perhaps the 4½ years between the acceptance of Petitioner's resignation from the Bar and the filing of his Petition for

Reinstatement is too brief a period to evidence his reformation. In the *Barton* case, approximately 7 years elapsed between disbarment and the filing of a Petition of Reinstatement, and the Panel as well as the Court of Appeals concluded that sufficient time had not passed to be assured of petitioner's reformation. In that case, however, the Panel found "certain present disabilities" in the petitioner's "current situation" which it felt he should rectify before his petition could be favorably considered. The Court of Appeals' opinion is not entirely clear as to what these disabilities were. However, the opinion states that the gravity of the original offense, combined with the lack of sufficient evidence that the petitioner was presently competent to practice law, were the principal factors underlying the decision to deny the petition. In *Barton*, the original offense consisted of several different instances of misappropriating clients' funds, and petitioner's only steps toward achieving competence to practice again were to perform some volunteer work for the Delaware Family Court and the Legal Aid Society in Georgetown, Delaware. Nothing in the *Barton* case suggests that in the case of an isolated act of misconduct such as is here under consideration, and on the basis of the record of Petitioner's activities and accomplishments from June, 1973 to the present which we find before us, we should conclude that the passage of time has been too brief for Petitioner to evidence his reformation. On the contrary, we find that Petitioner has met the burden of establishing that his conduct and reformation since his release from prison warrant his reinstatement to the practice of law.

The Petitioner's Present Character

A number of witnesses who have known Petitioner for 20-25 years or more testified favorably as to his honesty and

integrity, although several had only intermittent social contacts with him since his release from prison. Those, such as Commissioner Birrane and Emmanuel Horn, who have had considerable professional contact with him in his capacity as a hearing officer for the Insurance Commission, were likewise impressed with his honesty, integrity and sense of fairness. Several witnesses attested to his close family ties and Colonel Simon Avara, who has known him only since 1973 though his activities as a Grand Trustee of the Order of the Sons of Italy, testified that he has always found Petitioner to be "honest, upstanding, understanding and a good family man." We find that Petitioner has met the burden of establishing that his present character merits favorable consideration for his readmission to the Bar.

The Petitioner's Present Qualifications and Competency to Practice Law

Bar Counsel contends that Petitioner has not met the burden of proving his present fitness to practice law because (1) there exists considerable doubt as to his emotional stability should he be faced with some of the stresses which might be expected to arise in the practice of law and (2) since his resignation from the Bar in 1972, his experience has been limited to a single field and readmission to the Bar would permit him to practice in areas in which he may no longer be qualified.

At the outset of the hearing, Petitioner's counsel argued strenuously that Dr. Rappaport's report (B.C. Ex. 15), as well as his testimony, should not be considered by the Panel because they related largely to some emotional problems Petitioner has had in the past rather than to his present fitness to practice

law. The Panel, however, felt that these arguments went to weight rather than admissibility. Although the few reinstatement cases which the Court of Appeals has decided have made no mention of psychiatric or psychological examinations, if there were sufficient evidence linking Petitioner's misconduct to persistent and continuing flaws in his character or emotional makeup, so as to indicate a likelihood that he would again violate the high standards of our profession if readmitted to the practice of law, we would not hesitate to recommend against his reinstatement. However, such was not the thrust of Dr. Rappaport's report and testimony. After describing what he variously characterized as suicide "gestures", "threats" or "attempts" which occurred in 1952 following a broken engagement, in 1962 following difficulties arising out of the activities of a building and loan association in which he was involved and in 1973 following his sentencing to prison for the attempted bribery of Senator Bishop, and based further upon two examinations of Petitioner made for purposes of these proceedings, Dr. Rappaport concluded that Petitioner has what he characterized as an "inadequate personality" in that he tends to break down under circumstances of extreme stress. Dr. Rappaport felt that Petitioner's basic psychiatric makeup is no different now than when he began practicing law.

Dr. Michael Potash, on the other hand, who examined Petitioner at the request of his own counsel for purposes of these proceedings, was of the opinion that as a result of his incarceration and his experiences since his release from prison, Petitioner has undergone a radical change in his values and lifestyle in the direction of more family involvement and career focus on administrative law, that his earlier problems had not really involved genuine suicide attempts, that while he

might have some immature traits in his personality they are within normal limits and that Petitioner has no personality disturbance whatsoever at the present time.

In the view we take of this matter, it is unnecessary for us to decide whether there has been a basic change in Petitioner's personality or not. We are cognizant of EC 1-6 cited by Bar Counsel. However, the authorities in this State indicate quite uniformly that protection of the public should be our primary concern in considering a Petition for Reinstatement, and we believe EC 1-6 must be read in light of that concern. Dr. Rappaport testified that Petitioner can function quite adequately under normal stresses, that he has treated numerous practicing attorneys for the same types of personality problems he sees in Petitioner, that Petitioner is not in need of psychiatric treatment or therapy (although he might benefit from a course of treatment if he really wanted it), that there is no serious defect in his morality and that he is basically honest. The only concern Dr. Rappaport expressed was that a severe threat to Petitioner's family security or, if readmitted to practice, his professional security, might kindle the spark of suicide potential which Dr. Rappaport feels is still present in Petitioner's personality, though to a lesser degree than in the past. Even if this potential exists, we do not view it as a relevant factor in determining whether Petitioner's reinstatement would be prejudicial to the public interest.

With respect to Petitioner's limited experience in legal matters since his resignation from the Bar, Bar Counsel recognizes the inherent difficulty encountered by one who is precluded by disbarment from that actual practice of law, suggesting that perhaps Petitioner could have taken continuing legal education courses in various fields. He stresses that if

readmitted to practice, Petitioner would not be limited as to a field of practice and well might not limit himself to areas in which he has some experience and competence.

As the Court of Appeals pointed out in *In re Braverman*, 316 A.2d 246, 249 "Neither the Maryland Rules nor the statute describing the duties of the State Board of Law Examiners provide for reexamination of an applicant for reinstatement." In *Braverman*, 18 years had elapsed between the petitioner's disbarment and the filing of his application for reinstatement and yet the Panel was satisfied that the petitioner's testimony outlining his activity in certain areas of criminal correctional law and his intention to become a volunteer intern with the Legal Aid Bureau of Baltimore, Inc. evidenced a sound and responsible attitude toward refreshing his professional skills. The Panel further stated:

"We are mindful that every attorney is bound by Maryland Rule 1230 to conform to the Code of Professional Responsibility of the American Bar Association. Canon EC 6-1 provides in part that an attorney * * * should accept employment only in matters in which he is or intends to become competent to handle."

In that instant case approximately 4½ years elapsed between the acceptance by the Court of Appeals of Petitioner's resignation from the Bar and the filing of his Petition for Reinstatement, and a further 1½ years has elapsed since then. During that period, Petitioner obtained a Master's degree in Public Administration and has served for 2½ years as a Hearing Officer in the Insurance Division for the State of Maryland. According to the testimony of Insurance Commissioner Birrane, his executive

assistant, Ted Hickman, and several attorneys who have tried numerous cases before him, he has performed his duties with extreme competence. We believe that Petitioner's accomplishments, as well as his own testimony, evidence a sound and responsible attitude toward refreshing his professional skills. We are satisfied that if readmitted to the practice of law, Petitioner would abide by the requirements of EC 6-1.

For the foregoing reasons, we recommend that Petitioner be readmitted to the Bar of the State of Maryland.

/s/ Lawrence A. Kaufman,
Chairman

/s/ Herbert J. Arnold

/s/ Leonard E. Cohen

A. 22

ATTORNEY GRIEVANCE COMMISSION
OF MARYLAND
Review Board

JAN 29, 1979

ERNEST M. THOMPSON
CHAIRMAN

PLEASE REPLY TO:
P.O. Box 1209
Easton, MD 21601

January 26, 1979

B.C. No. 77-459-4

Petitioner Seeking Reinstatement: Thomas Raimondi

Date of Meeting: January 25, 1979

There were eleven (11) members present which constitutes a quorum.

Due process was accorded Petitioner by Inquiry Panel.

Facts found: Petitioner has the obligation to overcome/
meet four principal criteria which are:

1. The nature and conduct of the original misconduct.
2. Subsequent Conduct and Reformation.
3. Present Character.
4. Present Qualifications and Competence to Practice Law.

The decision of the Review Board was by a majority vote of ten for, with one abstention, as to:

A. 23

1. Petitioner has met the burden.
2. Petitioner has met the burden.
3. Petitioner has met the burden.
4. Petitioner has met the burden.

The Review Board, therefore, concurs in and adopts the Inquiry Panel's recommendation that the Petition for reinstatement should be granted and does hereby fully repeat, adopt and incorporate by reference thereto all evidence, exhibits, transcripts and other matters introduced before the Inquiry Panel, as fully as if set forth herein.

/s/ Ernest M. Thompson
Attorney Grievance Commission
of Maryland

A. 24

IN THE MATTER OF * In The
REINSTATEMENT OF * Court of Appeals
* of Maryland
THOMAS PAUL RAIMONDI * Misc. Docket (Subtitle BV)
* No. 3
September Term, 1977
*

SHOW CAUSE ORDER

The report and recommendation of the Review Board having been filed with this Court in accordance with Maryland Rule BV14 d 2, it is this 8th day of March, 1979

ORDERED, by the Court of Appeals of Maryland, that Bar Counsel show cause on or before April 2, 1979 why the recommendation of the Review Board in this matter should not be adopted.

~
/s/ Robert C. Murphy
Chief Judge

A. 25

IN THE MATTER OF THE * IN THE
PETITION OF * COURT OF APPEALS
THOMAS PAUL RAIMONDI * OF MARYLAND
FOR REINSTATEMENT TO * Misc. Docket (Subtitle BV)
THE BAR OF MARYLAND * No. 3
* September Term, 1977

ANSWER TO SHOW CAUSE ORDER

In response to the Order of this Court dated March 8, 1979 to show cause why the recommendation of the Review Board that the Petition for Reinstatement be granted ought not to be adopted by this Court, Bar Counsel states as follows:

1. This Court has heretofore recognized four principal factors to be considered in evaluating a Petition for Reinstatement: first, the nature and circumstances of the original misconduct which led to the Petitioner's disbarment; second, the Petitioner's subsequent conduct and reformation; third, the Petitioner's present character; and, fourth, the Petitioner's "present qualifications and competence to practice law", *In Re Barton*, 273 Md. 377 at 379. The recommendation of the Review Board that the Petitioner be reinstated ought not to be adopted by the Court primarily because the Petitioner is not presently qualified and competent to practice law.

2. The Review Board found that the Petitioner had presented clear and convincing evidence of his present qualifications and competency to practice law and adopted the Inquiry Panel's report which, on this issue, stated, in pertinent part:

"Bar Counsel contends that Petitioner has not met the burden of proving his present fitness to practice law because. . . since his resignation from the Bar in 1972, his experience has been limited to a single field and readmission to the Bar would permit him to practice in areas in which he may no longer be qualified. . . . With respect to Petitioner's limited experience in legal matters since his resignation from the Bar, Bar Counsel recognizes the inherent difficulty encountered by one who is precluded by disbarment from the actual practice of law, suggesting that perhaps Petitioner could have taken continuing legal education courses in various fields. He stresses that if readmitted as to a field of practice and well might not limit himself to areas in which he has some experience and competence.

As the Court of Appeals pointed out in *In Re Braverman*, 316 A.2d 246, 249 "Neither the Maryland Rules nor the statute describing the duties of the State Board of Law Examiners provide for a reexamination of an applicant for reinstatement." In *Braverman*, 18 years had elapsed between the Petitioner's disbarment and the filing of his application for reinstatement and yet the Panel was satisfied that the petitioner's testimony outlining his activity in certain areas of criminal correctional law and his intention to become a volunteer intern with the Legal Aid Bureau of Baltimore, Inc. evidenced a sound and responsible attitude toward refreshing his professional skills. The Panel further stated: "We are mindful that every attorney is bound by Maryland Rule 1230 to conform to the Code of

Professional Responsibility of the American Bar Association. Canon EC 6-1 provides in part that an attorney * * * should accept employment in matters in which he is or intends to become competent to handle." In the instant case approximately 4½ years elapsed between the acceptance by the Court of Appeals of Petitioner's resignation from the Bar and the filing of his Petition for Reinstatement, and a further 1½ years has elapsed since then. During that period, Petitioner obtained a Master's degree in Public Administration and has served for 2½ years as a Hearing Officer in the Insurance Division for the State of Maryland. According to the testimony of Insurance Commissioner Birrane, his executive assistant Ted Hickman, and several attorneys who have tried numerous cases before him, he has performed his duties with extreme competence. We believe that Petitioner's accomplishments, as well as his own testimony, evidence a sound and responsible attitude towards refreshing his professional skills. We are satisfied that if readmitted to the practice of law, Petitioner would abide by the requirements of EC 6-1."

3. This Court has said, ". . . when we consider a petition for readmission, our concern is whether this Court can be assured that the public can rely on the *competence* and integrity of the previously disbarred attorney", *In Re Barton*, 273 Md. 377 at 381. (Emphasis supplied.) And, concerning Petitioner Barton, this Court said that he "failed to demonstrate that he is presently equipped to represent clients competently. The only evidence he offered on this point was

that he had done some volunteer work of a clerical nature for a family court and a legal aid agency, and that he had subscribed to the Daily Record for two years. This effort is not sufficient to qualify him to be licensed to practice law", *In Re Barton*, *ibid*. The record in the instant case will not support a finding that Petitioner Raimondi is "presently equipped to represent clients competently."

The Petitioner testified as follows:

"Q. What if anything have you done to keep abreast of the law?

A. Well, no more than I do when I was practicing law, Mr. Dashner. I read the Daily Record. We get that. I go to the Bar Library. I have to research a great deal of law. Let me tell you this, when I got the job as Hearing Officer for the Insurance Division, I knew nothing about insurance law. And insurance policies frightened the death out of me. I used to read it and wonder what they were talking about, half the times.

I got a lot of training on the job. I got the job on a Wednesday and Friday I was hearing cases. The Code says I'm supposed to be trained, but Commissioner Birrane knew that I had an extensive background in administrative law. But I had to learn the Code and I learned it fast. I went to the library, I read the Code, I talked to the Assistant Attorney General Tax Division. He gave me the leading cases I should be aware of. I read Allstate and I read GEICO and I put a lot of time into it in the first month

learning the Code, learning what the insurance industry is about. I don't consider myself as much of an expert as Commissioner Birrane, but I'm charged by the Legislature as being the expert. That's why I can conduct hearings."

(T., Page 115, Line 7 to Page 116, Line 9; June 27, 1978)

Seven of the Petitioner's witnesses at the Inquiry Panel hearing testified that they had no knowledge of any efforts the Petitioner may have made since his conviction and disbarment to learn about important developments in the law and changes in Maryland statutes and rules: Clement Mercaldo, hearing of June 20, 1978, T. Page 27, Line 18 to Page 28, Line 2; Honorable Charles Moylan, hearing of June 20, 1978, T., Page 47 Lines 13 to 20; Edward Birrane, hearing of June 20, 1978, T., Page 90, Lines 10 to 15; Daniel Martin, hearing of June 20, 1978, T., Page 105, Line 19 to Page 106, Line 1; Sidney Blum, hearing of June 20, 1978, T., Page 119, Lines 13 to 17; Honorable Shirley Jones, hearing of June 20, 1978, T., Page 129, Line 16 to Page 130, Line 20; Ted Hickman, hearing of June 20, 1978, T., Page 222, Lines 11 to 18; and Honorable Milton Allen, hearing of June 27, 1978, T., Page 20, Lines 10 to 15. One witness testified that he had discussed with the Petitioner the federal rules of evidence and changes to Maryland's mechanic's lien law: Emanuel Horn, hearing of June 20, 1978, T., Page 61, Line 19 to Page 63, Line 20.

The Petitioner's position as a hearing officer in the Insurance Division has required him to familiarize himself with insurance law and keep abreast of developments in that area of the law. However, the Petitioner testified that, were he reinstated, he would not accept a position as a private practitioner in the field of insurance law, transcript hearing of

June 27, 1978, Page 206, Line 15 to Page 207, Line 16. The Petitioner also testified that he has no intention of resuming the private practice of law, but rather wishes to be reinstated as a member of the Bar so that he might qualify for a higher-paying governmental position, transcript of June 27, 1978 hearing, Page 199, Line 20 through Page 200, Line, 18.

4. The Inquiry Panel and the Review Board used the reasoning of this Court's decision in *In Re Braverman*, 271 Md. 196 to support their finding that the Petitioner meets the fourth principal factor, rather than affirmatively finding, in the language of the *Barton* case cited above, that the Petitioner is "presently equipped to represent clients competently." In the *Braverman* case, this Court adopted a three-judge Panel's finding that Petitioner Braverman had shown that he was qualified and competent to practice law on the following basis:

"Evaluation of Petitioner's present qualification and competence to practice law in the light of his long absence from the Bar presents an issue on which we find few guidelines. Petitioner's admission to the Bar in 1941 presumes certification by the State Board of Law Examiners that he then possessed the requisite qualifications. No evidence was presented suggesting a lack of competence during the period when he was a member of the Bar from 1941 until 1955. Neither the Maryland Rules nor the statute prescribing the duties of the State Board of Law Examiners provide for reexamination of an applicant for reinstatement. It is difficult to distinguish Petitioner's position from that of an attorney who once having been admitted to the Bar devotes himself to other pursuits for an extended period of time, such

as military service, and after the passage of many years undertakes an active practice. Petitioner in his testimony outlined his activity in certain areas of criminal correctional law and his intention to become a volunteer intern with the Legal Aid Bureau of Baltimore, Inc. We believe that Petitioner exhibits a sound and responsible attitude by recognizing the need for refreshing his professional skills and by proposing a course by which he may accomplish this.

We are mindful that every attorney is bound by Maryland Rule 1230 to conform to the Code of Professional Responsibility of the American Bar Association. Canon EC6-1 provides in part that an attorney * * * should accept employment only in matters which he is or intends to become competent to handle.

We are persuaded that Petitioner will abide by the requirements of this Canon."

271 Md. 196 at 203, 204.

If the standard to be met by a Petitioner for reinstatement is only that he must assure the Court that he will abide by Ethical Consideration 6-1, then Petitioner Raimondi has met that standard. However, if the standard is that the Petitioner must be "presently equipped to represent clients competently", then Petitioner Raimondi has not met that standard.

Respectfully submitted,

/s/ L. Hollingsworth Pittman
Bar Counsel

A. 32

/s/ James A. Frost
Assistant Bar Counsel
Attorney Grievance Commission
of Maryland
District Court Building
Taylor Avenue and Rowe Blvd.
Annapolis, Maryland 21401

CERTIFICATE OF MAILING

I HEREBY CERTIFY, that on this 22nd day of March, 1979, a copy of the foregoing Answer to Show Cause Order was mailed, postage prepaid, to Jerome A. Dashner, Esquire, 112 Equitable Building, Calvert and Fayette Streets, Baltimore, Maryland 21202, attorney for Petitioner.

/s/ James A Frost
Assistant Bar Counsel

A. 33

IN THE MATTER OF THE	* IN THE
PETITION OF	* COURT OF APPEALS
THOMAS PAUL RAIMONDI	* OF MARYLAND
FOR REINSTATEMENT TO	* Misc. Docket (Subtitle BV)
THE BAR OF MARYLAND	* No. 3
	* September Term, 1977

**RESPONSE TO BAR COUNSEL'S
ANSWER TO SHOW CAUSE ORDER**

In response to the Answer to the Show Cause Order hereinbefore filed by Bar Counsel, your Petitioner respectfully states as follows:

Bar Counsel contends that the Petitioner has not met the burden of proving his present fitness to practice law at this time because of the fact that during the period of time from the Petitioner's voluntary resignation from the Bar to the present time that the Petitioner has been limited to a single field of law. The single field of law being the supervision and control of the insurance industry in the State of Maryland where the Petitioner has been serving from June, 1976 until the present time as a Hearing Officer in the Insurance Division of the State of Maryland.

Petitioner agrees that this Court is concerned that the public should be able to rely on the competence and integrity of a previously disbarred attorney.

Petitioner testified at the hearing before the Review Board that he knew nothing about insurance law when he got the position as a Hearing Officer for the Insurance Division, and he, therefore, had to read the Code, talk to the Assistant

Attorney General, Tax Division, and spent time in the bar library reading the leading cases on the subject of insurance. From this it would appear that the Petitioner did what any competent individual would do when becoming involved in an endeavor with which he was unfamiliar.

The Petitioner graduated from the University of Maryland School of Law in June, 1953, and was originally admitted to the Bar of this state in October, 1953. During the period of time he was in law school, the Petitioner was an assistant to the law librarian.

After practicing law for a short period of time, he became a member of the United States Army and served with the Judge Advocate General's office from September, 1954 until he was honorably discharged in January, 1956.

Upon being discharged from the Army, Petitioner became actively engaged in the practice of law from February, 1956 until December, 1972, a period encompassing almost seventeen years. Petitioner urges upon this Court the proposition that anyone actively engaged in the general practice of law for almost seventeen consecutive years generally has come into contact with many facets of the law, tried many cases before administrative bodies and courts and has gained a store of legal knowledge that should remain with him for many years in the future. In addition to this, Petitioner has filled in approximately three of the six years that he has not been a member of the Bar with an administrative position that is quasi judicial. Article 48 (a) Annotated Code of Maryland. The position of hearing officer requires the research of the law of insurance and other allied legal fields such as the admissibility of evidence and preparing written opinions.

It is further contended by Bar Counsel that Petitioner should have been doing something to keep him abreast of current legal procedures. However, Petitioner was expressly prohibited by law from being formally associated with a legal office. Article 10, Section 22 Annotated Code of Maryland. This was recently changed in July 1, 1977 and now a disbarred lawyer can be associated with a legal office.

This Court is apparently aware of colleagues, attorneys and judges of this State who were caused to interrupt their private practice of law for 2, 3, 4 or more years after accepting positions as Attorney's General, State's Attorney, administrative judges and other similar types of legal services dealing with specific areas of law. Many members of the Bar also spent a number of years as members of the Armed Forces of the United States after becoming members of the Bar wherein they had little, if any, contact with the practice of law. These members of the Bar who had practiced for a number of years before spending a considerable period of time away from their law practices did not forget what they had previously learned or experienced during their former years of practice but merely settled back into the general practice of law or those specialties in which they were previously involved.

Many practicing attorneys in this state would be fearful of taking the bar examination as they have settled into a practice involving five or six specialties. Most of these attorneys refer matters with which they are not familiar to other members of the firm or attorneys outside of their office who specialize in these fields.

A. 36

The legal knowledge and experience which your Petitioner has gained over almost seventeen years of active practice only needs a little honing and diligent updating to allow him to be a competent and reliable member of the Bar.

Respectfully submitted,

/s/ JEROME A DASHNER
112 Equitable Building
Baltimore, Maryland 21202
727-2412
Attorney for Petitioner

I HEREBY CERTIFY that on this day of April, 1979, a copy of the foregoing Response to Bar Counsel's Answer to Show Cause Order was mailed to James A Frost, Esquire, Assistant Bar Counsel, Attorney Grievance Commission of Maryland, District Court Building, Taylor Avenue and Rowe Boulevard, Annapolis, Maryland 21401.

/s/ JEROME A DASHNER

A. 37

IN THE COURT OF APPEALS OF MARYLAND
Miscellaneous Docket
(Subtitle BV)
Nos. 3 and 15
September Term, 1977

Miscellaneous Docket
(Subtitle BV)
No. 3

IN THE MATTER OF THE PETITION FOR
REINSTATMENT TO THE BAR OF MARYLAND
OF THOMAS PAUL RAIMONDI

* * * * *

Miscellaneous Docket
(Subtitle BV)
No. 15

IN THE MATTER OF THE PETITION FOR
REINSTATEMENT TO THE BAR OF MARYLAND
OF FRANCIS X. DIPPEL

Murphy, C.J.
Smith
Digges
Eldridge
Orth
Cole
Davidson,
JJ.

Opinion by Smith, J.

Filed: July 25, 1979

We decline in these cases to reinstate Francis X. Dippel and Thomas Paul Raimondi as members of the Bar of this State. The cases are in no way connected. Because the same principles of law and policy are applicable in each case, we have consolidated these two matters for the purpose of an opinion.

Maryland Rule BV14 provides that an attorney's petition for reinstatement to the bar shall be filed in this Court. It must "set forth facts showing that the petitioner is rehabilitated and is otherwise entitled to the relief sought." If we reserve judgment until after hearing, as we did here, Bar Counsel is to "conduct an appropriate investigation and shall refer the petition to an Inquiry Panel selected by the Chairman of the Inquiry Committee." Thereafter the petition is to be heard and determined in accordance with Rule BV6 c concerning complaints and investigations and is to be reviewed by the Review Board in accordance with Rule BV7. Bar Counsel is then to transmit to us the recommendations of the Review Board and any evidence. Rule BV14 c 3 then provides that Rules BV9 e concerning charges and pleadings and Rule BV11 b concerning disposition of charges in subsequent proceedings are applicable to proceedings under BV14. A person desiring reinstatement has the burden under Rule BV14 d 4 "to establish the averments of the petition by clear and convincing proof."

I The law

The four principal factors to be considered in evaluating a petition for reinstatement to the bar were set forth by Chief Judge Murphy for the Court in *In re Braverman*, 271 Md. 196, 199-200, 316 A.2d 246 (1974), and repeated by Judge Eldridge

for the Court in *In re Barton*, 273 Md. 377, 379, 329 A.2d 102 (1974). They are: (1) the nature and circumstances of the original misconduct; (2) petitioner's subsequent conduct and reformation; (3) his present character; and (4) his present qualifications and competence to practice law. Judge Eldridge noted in *Barton* that "the more serious the original misconduct was, the heavier is the burden to prove present fitness for readmission to the bar." *Id.* at 380.

This Court has said repeatedly that the purpose of disbarment is not to punish, but to protect the public. *See, e.g., Barton*, 273 Md. at 381; *Maryland St. Bar Ass'n. v. Sugarman*, 273 Md. 306, 318, 329 A.2d 1 (1974), *cert. denied*, 420 U.S. 974 (1975); *Maryland St. Bar Ass'n. v. Frank*, 272 Md. 528, 533, 325 A.2d 718 (1974); *Maryland St. Bar Ass'n. v. Callanan*, 271 Md. 554, 557, 318 A.2d 809 (1974); *Maryland St. Bar Ass'n. v. Agnew*, 271 Md. 543, 549, 318 A.2d 811 (1974); *Bar Ass'n. v. Marshall*, 269 Md. 510, 519, 307 A.2d 677 (1973); *Balliet v. Baltimore Co. Bar Ass'n.*, 259 Md. 474, 478, 270 A.2d 465 (1970); and *In re Meyerson*, 190 Md. 671, 675, 59 A.2d 489 (1948). Also, see the opinion by Judge Cardozo in *Matter of Rouss*, 221 N.Y. 81, 84-85, 116 N.E. 782 (1917), to the same effect.

In *Meyerson* Judge Markell said for the Court, "Whether an application for reinstatement is called an application to set aside a disbarment order or an application for admission to practice, its essential nature is the same." He then went on to quote from *In re Kannan*, 310 Mass. 166, 170, 37 N.E.2d 516 (1941), where the Supreme Judicial Court of Massachusetts said, "A subsequent petition for admission to the bar involves a new inquiry as to whether, in the interval following the rendering of the judgment of removal, the petitioner has

become a proper person to hold such office." We again quoted that language in *Maryland St. Bar Ass'n v. Boone*, 255 Md. 420, 432, 258 A.2d 438 (1969).

In *Meyerson* Judge Markell also said for the Court:

As disbarment is not punishment, likewise we think due regard for the administration of justice does not permit disbarment and reinstatement to be made mere adjuncts to reform schools and the parole system. The authorities that seem to us the best considered take a different view, which is consistent with the principles recognized in *Maryland*. [*Id.* 190 Md. at 678.]

We quoted that language with approval in *Boone*, 255 Md. 420, 433.

II Dippel.

Dippel was originally admitted to the Maryland Bar in November 1947. He practiced law until his disbarment in 1963.¹ During this period he served one year in the House of

¹ In his petition for reinstatement Dippel said that in 1963 while under indictment he "voluntarily tendered his resignation from the Maryland Bar." It is true that he tendered his resignation to the Supreme Bench of Baltimore City. It, however, refused to accept Dippel's resignation, possibly because it thought "resignation" carried a different connotation than "disbarment." A complaint was duly filed with it. It held a hearing after which it disbarred Dippel on September 13, 1963. Reference was made in the order of disbarment to the convictions mentioned in the panel's opinion here. (Disciplinary proceedings were handled in the circuit courts of the 23 counties of Maryland and in the Supreme Bench of Baltimore City prior to the revision of the BV rules in 1970.)

Delegates and one term in the Maryland Senate. The inquiry panel summarized the facts surrounding his disbarment.

[It] was precipitated by investigations and subsequent criminal indictments concerning a scheme devised by [Dippel] and an accomplice, Henry Edward Wisowaty, who also was a member of the Maryland Bar, whereby they would file documents with the Orphans' Court of Baltimore City to gain control of estates of deceased resident aliens, then divest the estates of all capital assets to their own use, the assets being apportioned between them. The scheme included in some cases the preparation of forged Wills leaving substantial parts of the estate to fictitious heirs, the payment of fictitious claims, and the filing of spurious and false documents. As a result of these activities, six indictments were brought against [Dippel] for embezzlement, larceny and conspiracy, the total amounts embezzled for the six estates being \$71,083.46. Eventually, total restitution was made of that sum, [Dippel] having made restitution in the amount of \$45,083.46, and Wisowaty having made restitution in the amount of \$26,000. In the meantime, however, as a result of those indictments, [Dippel] pleaded guilty to the six indictments charging embezzlement, and the State's Attorney stitted the companion charges of larceny and conspiracy. Judge Charles Harris in the Criminal Court of Baltimore City sentenced [Dippel] to terms totalling 15 years in the Maryland Penitentiary, which was later reduced to 5 years after partial restitution had been made, and after serving approximately 21 months of his sentence [Dippel] was paroled after one previous parole application had been denied.

T. Hughlett Henry, Jr., Esq., of the inquiry panel, pressed Dippel as to the reason for his criminal activity. Dippel replied, "It wasn't a question of earning money because I was earning money - \$40,000 to \$50,000 a year from about 1950. I can't say and I will not blame it on my wife or anybody except stupidity on my own part." He was then asked whether he thought "it was just a clever operation," to which he replied, "Well, it appeared so easy."

Upon his release from prison Dippel secured employment as an insurance consultant through the efforts of friends. Thereafter he became employed by the Social Security Administration on August 8, 1966. He is still employed there as a labor relations specialist. He was granted a full pardon on November 10, 1976.

The panel heard numerous witnesses. All of those produced by Dippel praised him, saying what a fine, outstanding gentleman he is today, and recommending his reinstatement. Two past presidents of the Maryland State Bar Association were produced by Bar Counsel. Each strongly opposed reinstatement.

The Panel recognized the criteria for consideration of a petition for reinstatement set forth in *Barton*, *Boone*, and *Braverman*. It addressed itself to each of those criteria. It said relative to the cause of his disbarment:

The misconduct of [Dippel] which led to the various investigations, both civil and criminal, resulting in indictments and court proceedings, disbarment, conviction, and sentencing, was of the most severe nature that an attorney can be guilty and was not a single, isolated aberration or youthful prank, but a deliberate plan to scheme and defraud innocent people out of funds belonging to them.

It concluded that his conduct "subsequent to his release from prison has been exemplary and he has made genuine efforts to reform himself in his life style, the community, and job." It found "no indication that [Dippel's] present character has been blemished to any extent which would in itself prohibit his reinstatement." Concerning his present qualifications and competence to practice law, it observed in pertinent part:

[Dippel] has been away from the active practice of law since at least June of 1963, a period of over 15 years, and his efforts to keep current with Maryland law have been very limited.

* * *

With respect to his competence to practice law, there is, of course, always some question in the case of a lawyer who has been unable to practice for 15 years. The criteria set, however, in grave crimes require a substantial period for rehabilitation and reformation and it is unlikely, in a case of such gravity of misconduct leading to disbarment as this, that a shorter time than 15 years would ever be acceptable. Hence, to consider competence, we must measure this applicant against others forbidden to practice for such a period.

Dippel has proven his competence in a specialized field of law - labor relations, and has participated as an advocate in many matters where a licensed lawyer was not required. He admits he has made only casual efforts to keep abreast of the changes in Maryland case and statute law. He asserts that he would know

when he was incompetent and would associate with him a competent lawyer when the occasion arose. If this competence criterion were the only one standing in the way of reinstatement, it would point up the need for a rule permitting conditional reinstatement at the end of a period of refresher legal education.

The primary consideration deals with the gravity of the original misconduct and the extent that Petitioner has shown his reformation and the improbability of a repetition of such conduct if reinstated. The burden of proof is Petitioner's and the graver the misconduct the greater the burden.

The crimes that he committed are peculiarly available to unscrupulous lawyers and the fraudulent devices used - false wills, false claims pursued in Court, and false affidavits to support them - fall within the areas of the legal training he received at the outset. It is possible, but not probable, that these fraudulent schemes could have been carried out by one who was not a member of the Bar.

A lawyer who uses his legal skills to defraud has been put in the position to victimize the public through the sanction of the bar in its prior approval of his integrity and morality.

[Dippel] committed crimes not only against the dignity of the state, but also against his profession and the Courts of which he was an officer. It is difficult enough to envision reinstatement of a lawyer who embezzles funds entrusted to him without the mitigating circumstances of an irresistible motive. Petitioner did not commit one embezzlement under the pressure of dire need of duress. He committed a series of carefully schemed embezzlements because in his words, he was "stupid - it appeared so easy." He was apparently an able lawyer at the time of the original misconduct and some of his schemes were ingenious, so the explanation of stupidity is unacceptable.

That the money was easy to take seems the most reasonable explanation of his fraudulent acts. He should not have the sanction of the bar to invite the public to entrust to him more funds that are easy to take. The Panel has not been persuaded that [Dippel] has met the heavy burden of proof entitling him to reinstatement.

Pursuant to Rule BV14 d 2 the Review Board, for which provision is made in Rule BV7, reviewed the matter. It unanimously "concurr[ed] in and adopt[ed] the Inquiry Panel's recommendation that [Dippel's] Petition for Reinstatement should be denied"

III Raimondi

Thomas Paul Raimondi was admitted to practice before this Court on October 15, 1953. We accepted his resignation with prejudice on December 29, 1972. (We now refer to such

proceedings as disbarment by consent. Rule BV12 d.) Raimondi was convicted in the Criminal Court of Baltimore of attempting to bribe a member of the General Assembly. This was all an outgrowth of the election of Governor Spiro T. Agnew as Vice-President of the United States and the fact that the General Assembly became obliged to elect a Governor of Maryland. The details of his wrongdoing are set forth in *Raimondi v. State*, 12 Md. App. 322, 278 A.2d 664 (1971), and *Raimondi v. State*, 265 Md. 229, 288 A.2d 882, cert. denied, 409 U.S. 948 (1972). He was granted a full pardon on May 27, 1975.

Raimondi was employed in several different places from the time of his release from prison in 1973 until the time that he passed a competitive examination and was selected as a hearing officer in the Insurance Division of the State of Maryland, a part of the Department of Licensing and Regulation.

As in Dippel's case, Raimondi was able to produce a number of individuals who praised him highly and said what a fine gentleman he is now.

The Raimondi panel also recognized the criteria for consideration of a petition for reinstatement set forth in *Barton, Boone, and Braverman*. It seemed a bit inclined to regard the original misconduct as not grave in nature. It referred to the fact that the then State's Attorney "stated that although his office viewed the crime as serious in terms of its impact on the governmental structure, 'We did not think that there was too great an imminent danger of its coming to fruition because it was just a little bit too bizarre to be - - it was too long, long shot even from the point of view of those attempting to perpetrate it.' " It said that "[i]n the final analysis, however, based

upon the record before it and its observation of [Raimondi] during his testimony, the Panel agree[d] with the remarks of [one witness] who ha[d] known [Raimondi] both socially and professionally for approximately 27 years, that what [Raimondi] did was 'stupid', 'irrational' and 'out of character.' " It observed that although the crime "was a serious act, it appear[ed] to have been perpetrated for purposes of embarrassing [one individual] rather [than] for any apparent personal gain." The panel "conclude[d] that insofar as the nature and circumstances of [Raimondi's] misconduct are concerned, his reinstatement would not be prejudicial to the interests of the public or the administration of justice."

The panel went on to consider the other criteria. It referred to Raimondi's substantial involvement in civic and fraternal affairs. It "f[ound] that [Raimondi] has met the burden of establishing that his conduct and reformation since his release from prison warrant his reinstatement to the practice of law." It likewise found that he "has met the burden of establishing that his present character merits favorable consideration for his readmission to the Bar." Concerning his present qualifications and competency to practice law, the panel concluded by saying:

In the instant case approximately 4½ years elapsed between the acceptance by the Court of Appeals of [Raimondi's] resignation from the Bar and the filing of his Petition for Reinstatement, and a further 1½ years has elapsed since then. During that period, [he] obtained a Master's degree in Public Administration and has served for 2½ years as a Hearing Officer in the Insurance Division for the State of Maryland. According to the testimony of Insurance

Commissioner Birrane, his executive assistant, Ted Hickman, and several attorneys who have tried numerous cases before him, he has performed his duties with extreme competence. We believe that [Raimondi's] accomplishments, as well as his own testimony, evidence a sound and responsible attitude toward refreshing his professional skills. We are satisfied that if readmitted to the practice of law, [he] would abide by the requirements of EC 6-1.

The inquiry panel recommended Raimondi's reinstatement.

The matter was reviewed by the Review Board pursuant to Rule BV14 d 2. It "concurr[ed] in and adopt[ed] the Inquiry Panel's recommendation that [Raimondi's] Petition for reinstatement should be granted"

IV Dispositions

Where there has been a disbarment for crimes such as were committed by Raimondi we regard the nature of the crimes and the circumstances surrounding them as one of the most important of the criteria to be considered on an application for reinstatement. Therefore, we focus in these two cases on the nature and circumstances of the original conduct. In so doing we note that in considering such an application we must remember that, as it was put in *In re Cannon*, 206 Wis. 374, 240 N.W. 441 (1932):

The relation of the bar to the courts is a peculiar and intimate relationship. The bar is an attache of the courts. The quality of justice dispensed by the courts depends in no small degree upon the integrity

of its bar. An unfaithful bar may easily bring scandal and reproach to the administration of justice and bring the courts themselves into disrepute.

[*Id.* at 383.]

We note relative to reinstatement the comment in *In re Morrison*, 45 S. D. 123, 186 N. W. 556 (1922):

[A court] should endeavor to make certain that it does not again put into the hands of an unworthy petitioner that almost unlimited opportunity to inflict wrongs upon society possessed by a practicing lawyer.

[*Id.* at 126.]

There may be a point in time when it is proper to reinstate to the practice of law even one who has committed a most heinous crime. We are unable to draw a precise line as to when that might be. We point out once again Judge Eldridge's observation for the Court in *Barton*, 273 Md. at 380, "[T]he more serious the original misconduct was, the heavier is the burden to prove present fitness for readmission to the bar."

It may not have been so labeled, but what courts do when faced with any application for reinstatement from a previously disbarred lawyer is to engage in a balancing process. On one side of the scale is placed the seriousness of the misconduct which produced disbarment and the court's duty to society at large to see that only those persons who are worthy of the faith and confidence of the general public are permitted to handle the affairs of others. In this regard, it must be remembered as Chief Justice Vinson said in *In Re Isserman*, 345 U.S. 286, 289, 73 S. Ct. 676, 97 L. Ed. 1013 (1953), *reversed on other grounds*, 348 U.S. 1, 75 S. Ct. 6, 99 L. Ed. 3 (1954),

"There is no vested right in an individual to practice law. Rather there is a right in the Court to protect itself, and hence society, as an instrument of justice." On the other side are placed the subsequent conduct and reformation of such individual, his present character, his present qualifications and competence to practice law, and the fact that the very nature of law practice places an attorney in a position where an unprincipled individual may do tremendous harm to his client. In this balancing process consideration must be given to the length of time which has elapsed since disbarment. Also, it must not be forgotten that a disbarred attorney was previously found to possess good moral character. Otherwise, he would not have been admitted to practice law. Thus, either someone erred in the earlier evaluation of his character or the weakness of character producing the earlier misconduct previously failed to manifest itself. For this reason such an applicant must undergo an even more exacting scrutiny than he did earlier. In evaluating the statements from others as to the present good moral character of an applicant for readmission it must not be forgotten that a disbarred lawyer - like many people convicted of so-called "white-collar" crime - had earlier occupied a position in society where it is probable that testimonials as to his good moral character, similar to that elicited in connection with his application for reinstatement, could have been obtained at any point in time prior to knowledge of his misconduct on the part of those attesting to his good character.

In a number of our prior cases, *e. g.*, *Attorney Grievance Comm'n v. Green*, 278 Md. 412, 415, 365 A.2d 39 (1976); *Bar Ass'n of Balto. City v. Posner*, 275 Md. 250, 257, 399 A.2d 657, *cert. denied*, 423 U.S. 1016 (1975); and *Maryland St. Bar Ass'n v. Sugarman*, 273 Md. 306, 317, 329 A.2d 1

(1974), *cert. denied*, 420 U.S. 974 (1975), we quoted from *In re Stump*, 272 Ky. 593, 114 S. W. 2d 1094 (1938), concerning the petition for reinstatement of a disbarred attorney:

The ultimate and decisive question is always whether the applicant is now of good moral character and is a fit and proper person to be reintrusted with the confidence and privileges of an attorney at law. This question has a broader significance than its purely personal aspect. From time immemorial lawyers have in a peculiar sense been regarded as officers of the court. It is a lawyer's obligation to participate in upholding the integrity, dignity, and purity of the courts. He owes a definite responsibility to the public in the proper administration of justice. It is of utmost importance that the honor and integrity of the legal profession should be preserved and that the lives of its members be without reproach. The malpractice of one reflects dishonor not only upon his brethren, but upon the courts themselves, and creates among the people a distrust of the courts and the bar. [*Id.* at 598.]

Here Dippel made use of his legal training and knowledge to steal from certain estates. Without any apparent reason other than sheer greed, Dippel engaged in a calculated campaign of theft. He testified that he "was earning money - \$40,000 to \$50,000 a year from about 1950." Even in this day of inflation such earnings would be regarded as substantial. Translated into the equivalent of 1979 dollars, however, his earnings by his account must have been

well over \$80,000 per year. Thus, greed alone would seem to have been the only reason behind his crime, a point illustrated by his statement that it was easy to steal by these forgeries and other manipulations.

Raimondi was convicted of an attempt to bribe in connection with the highly unusual situation in which the General Assembly of Maryland was obliged to select a Governor to serve a little more than two years of the remaining term of the Governor previously elected by the people. Such conduct strikes at the very fundamentals of our government, and the more so when it is perpetrated by a member of the Bar sworn to support the Constitution and laws of this State. See Maryland Code (1957) Art. 10, § 10.

Balancing all of the above mentioned factors and particularly taking into consideration the conduct for which Messrs. Dippel and Raimondi were disbarred and the time which has elapsed since then, we are unwilling to once again constitute them officers of this Court, thereby placing them in a position where they may handle the affairs of others. Thus, their petitions for reinstatement will be denied.

IT IS SO ORDERED: PETITIONERS
IN EACH INSTANCE SHALL PAY
ALL COSTS, INCLUDING ALL
COSTS OF TRANSCRIPTS, PUR-
SUANT TO MARYLAND RULE
BV15 b, c.

285 Md. 607, 403 A.2d 1234 (1979).

IN THE MATTER OF	*	IN THE
THE PETITION OF	*	COURT OF APPEALS
THOMAS PAUL RAIMONDI	*	OF MARYLAND
FOR REINSTATEMENT TO	*	Misc. Docket (Subtitle BV)
THE BAR OF MARYLAND	*	No. 3
	*	September Term, 1977

* * * * *

MOTION TO RECONSIDER

In accordance with Rule 850, a Motion for Reconsideration of the decision in the above matter is filed upon the following grounds:

I. The Petitioner is entitled to a decision in his Petition for Reinstatement in accordance with the provisions of Article 10, Section 22 of the Annotated Code of Maryland under the due process law provisions of the XIV Amendment to the Constitution of the United States.

II. The Court's decision in denying Petitioner's reinstatement is tantamount to cruel and unusual punishment in violation of the VIII Amendment to the Constitution of the United States, and a violation of the equal protection of the law under the XIV Amendment to the Constitution of the United States.

III. The Petitioner is entitled to a separate considered opinion under due process of law in accordance with the XIV Amendment to the Constitution of the United States.

Attached hereto and requested to be made a part hereof is a Memorandum of Law.

A. 54

Respectfully submitted,

/s/ Jerome A. Dashner
112 Equitable Building
Baltimore, Maryland 21202
Attorney for Petitioner

I HEREBY CERTIFY that on this 22nd day of August, 1979, a copy of foregoing Motion to Reconsider and Memorandum of Law, was mailed to L. Hollingsworth Pittman, Esq., Bar Counsel, Attorney Grievance Committee of Maryland, District Court Building, Taylor Avenue and Rowe Boulevard, Annapolis, Maryland 21401

/s/ Jerome A. Dashner

MEMORANDUM OF LAW IN SUPPORT
OF MOTION TO RECONSIDER

I.

THE PETITIONER IS ENTITLED TO A DECISION IN HIS PETITION FOR REINSTATEMENT IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE 10, SECTION 22 OF THE ANNOTATED CODE OF MARYLAND UNDER THE DUE PROCESS OF LAW PROVISIONS OF THE XIV AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES.

The Petition for Reinstatement to the Bar under Par. 11 states that the Petitioner, "applies for reinstatement to the Maryland Bar in accordance with the provisions of Article 10, Section 22 of the Annotated Code of Maryland."

A. 55

The Petition for Reinstatement was filed with this Honorable Court on May 16, 1977. The above Section 22, of Article 10 was in full force and effect on the date of the filing, even though the said section was repealed as of July 1, 1977.

In the joint opinion filed by this Court of 25th of July, 1979 no mention is made of Section 22, Article 10 and it is impossible to ascertain whether the Court took into consideration the provisions of Section 22, Article 10 in reaching its conclusions as stated in its opinion.

Section 22, Article 10 states in essence that an attorney pardoned by the Governor, upon application for reinstatement shall be entitled to be reinstated, provided (1) the Court shall be satisfied that provisions of Section 20, of Article 10 has not been violated; (2) and that the Petitioner is otherwise worthy of reinstatement.

In reviewing the record there is no evidence to show any violation of Section 22, Article 10.

There is no evidence in the case to support the conclusion that the Petitioner is not worthy of reinstatement.

To the contrary, the record is replete with recommendations for reinstatement.

It is respectfully submitted that Section 22, Article 10 is a legislative mandate binding on this Court. If this Court considers the provisions of Section 22, Article 10 in the light of the evidence it must reach the conclusion that the Petitioner should be reinstated. With due respect, the Court's failure

to consider Section 22, Article 10 constitutes a denial of the Petitioner's due process of law under the XIV Amendment to the Constitution of the United States.

II.

THE COURT'S DECISION IN DENYING PETITIONER'S REINSTATEMENT IS TANTAMOUNT TO CRUEL AND UNUSUAL PUNISHMENT IN VIOLATION OF THE VIII AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES, AND A VIOLATION OF THE EQUAL PROTECTION OF THE LAW UNDER THE XIV AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES.

"This Court has said repeatedly that the purpose of disbarment is not to punish, but to protect the public." See, *Barton*, 273 Md. at 381.

In *re Myerson*, 59A 2d, 489, this Court pointed out that "disbarment of an attorney does not operate as a permanent disability." See *In re Braverman*, 316 A.2d 246, page 253.

In the *Braverman* case, the applicant was guilty of the crime of conspiring to teach and advocate and to organize the overthrow of the Government by force or violence. Braverman was a convicted, unpardoned felon and unrepentent. Braverman took the oath to support the Constitution and laws of State and Nation. The Court, nevertheless, reinstated him, holding that Braverman had in fact "demonstrated his fitness to be reinstated to practice law by clear and convincing proof."

In denying Raimondi's petition, the Court stated that Raimondi took an oath to support the Constitution and laws of this State, but his crime struck "at the very foundation of our government." Braverman also took the same oath to support the Constitution and laws of this State. Did not Braverman's crime also "strike at the very foundation of our government?"

It is respectfully submitted that the evidence in this case is equally, if not more, clear and convincing that the Petitioner has met the basic standards governing reinstatement.

No contrary testimony or evidence was produced to support the conclusions that Raimondi had not rehabilitated himself and was not worthy of reinstatement.

The Raimondi panel "concluded that insofar as the nature and circumstances of Raimondi's misconduct is concerned, his reinstatement would not be prejudicial to the interest of the public or the administration of justice."

The panel further "found that Raimondi has met the burden of establishing that his conduct and reformation since his release from prison warrant his reinstatement to the practice of law."

It is also found that he "has met the burden of establishing that his present character merits favorable consideration for his readmission to the Bar."

The Inquiry Panel recommended Raimondi's reinstatement.

The Review Board pursuant to Rule BC14d2. concurred in and adopted the Inquiry Panel's recommendation that the Petition for reinstatement should be granted.

This Court issued a Show Cause Order on March 8, 1979 upon Bar Counsel to show cause why the recommendation of the Review Board should not be adopted.

Bar Counsel's answer to the Show Cause Order in no way questions the Review Board recommendation for reinstatement under the factors to be considered such as: the nature and circumstances of the original misconduct, the Petitioner's subsequent conduct and reformation, or the Petitioner's present character.

The only factor put in question by the Bar Counsel was the Petitioner's "present qualifications and competence to practice law."

The evidence is clear that Raimondi has no intention to resume active private practice. However, the evidence in this case is abundant to support the claim that Raimondi is competent to practice.

In the *Braverman* case, the evidence was clear that Braverman was not competent but this Court nevertheless found Braverman competent under the basis that "every attorney is bound by Maryland Rule 1230 to conform to the Code of Professional Responsibility of the American Bar Association. Canon EC6-1 provides in part that an attorney . . . should accept employment only in matters which he is or intends to become competent to handle."

Bar Counsel further states that "If the standard to be met by a Petitioner for reinstatement is only that he must assure the Court that he will abide by Ethical Consideration 6-1, then Petitioner Raimondi has met that standard."

This Court states in the Raimondi Opinion that "there may be a point in time when it is proper to reinstate to the practice of law even one who has committed a most heinous crime."

The American Bar Association, *Canon I, Ethical Consideration, Code of Professional Responsibility*, states that when a lawyer's disqualification to practice law has terminated, "members of the bar should assist such person in being licensed, or, if licensed, in being restores to his full right to practice." *In re Drier*, 258 F2d, 68, 69-70, (3rd Cu, 1958).

The conclusion of this Court in denying reinstatement has in effect, stated "never, never", thereby imposing an impossible burden upon the Petitioner.

It is respectfully submitted that the Court's denial of Raimondi's reinstatement is based on standards above and beyond those standards imposed upon an individual by society and law, and places Raimondi in the onerous position of being unable, by any avenue or vehicle provided by society or law, to eliminate the burden of a guilt which this Court has made eternal.

With due respect the Court's decision is tantamount to cruel and unusual punishment in violation of the VIII Amendment to the Constitution of the United States.

A. 60

It is further respectfully submitted that in reinstating Braverman and refusing to readmit Raimondi the Court *has not* treated Braverman and Raimondi equally, and therefore this amounts to a denial of the equal protection of the law under the XIV Amendment to the Constitution of the United States.

III.

THE PETITIONER IS ENTITLED TO A SEPAR-
ATED CONSIDERED OPINION UNDER THE DUE
PROCESS LAW IN ACCORDANCE WITH THE XIV
AMENDMENT TO THE CONSTITUTION OF THE
UNITED STATES.

This Court on July 25, 1979 filed a joint opinion in the Matter of Raimondi and Dippel.

The Court rightly stated "The cases are in no way connected."

For this reason the Petitioner requests a separate considered opinion - - an independent and unbiased evaluation of the evidence within the framework of the Petitioner's case.

A reading of the "Opinion" without the Dippel references strongly supports the conclusion that the Petitioner has met the burden to be reinstated.

The Petitioner respectfully suggests that the evidence in his case should be considered particularly and not generally under the principles of law and not in the light of the policy of the Court.

A. 61

The principles of law remain immutable but the policy of this Court is subject to change.

Respectfully this Court's failure to consider the Petitioner's case separately constitutes a denial of due process of law in violation of the XIV Amendment to the Constitution of the United States.

Respectfully submitted,

/s/ Jerome A. Dashner
Attorney for Petitioner

A. 62

**COURT OF APPEALS
OF MARYLAND**
Courts of Appeal Building
Annapolis, Md. 21401

September 11, 1979

Jerome A. Dashner, Esq.
Attorney at Law
112 Equitable Building
Baltimore, Maryland 21202

Re: In the Matter of the Petition for
Reinstatement to the Bar of Maryland of
Thomas Paul Raimondi
Misc. Docket (Subtitle BV)
No. 3, September Term, 1977

Dear Mr. Dashner:

The Court has considered the motion to reconsider, filed in the above-mentioned matter on August 23, 1979, and, for your information, the motion was denied on September 10, 1979.

Very truly yours,

/s/ James H. Norris, Jr.
Clerk

JHNjr/ojr

cc: L. Hollingsworth Pittman, Esq.
Bar Counsel

A. 63

IN THE MATTER OF THE * IN THE
PETITION FOR REINSTATE- * COURT OF APPEALS
MENT TO THE BAR * OF MARYLAND
OF MARYLAND OF * Misc. Docket (Subtitle BV)
THOMAS PAUL RAIMONDI * No. 3
* September Term, 1977

DOCKET ENTRIES

May 16, 1977:	Petition for reinstatement to the Bar of Maryland filed by Thomas Paul Raimondi.
May 18, 1977:	Above petition referred to Bar Counsel. (BV14 d 2)
January 31, 1979:	Report and recommendation of Review Board and the Inquiry Panel report received from Bar Counsel.
March 8, 1979:	Show Cause Order filed. Answer due April 2, 1979 on why recommendation of Review Board should not be adopted.
March 22, 1979:	Answer to show cause filed by Attorney Grievance Commission.
May 1, 1979:	Response to Bar Counsel's Answer filed.
July 25, 1979:	Petition for reinstatement will be denied. It is so ORDERED; petitioners in each instance shall pay all costs, including all costs of transcripts, pursuant to Maryland Rule BV15 b c. Opinion by Smith, J. (Consolidated with Misc. (BV) No. 15, September Term, 1977, for purpose of opinion.)
August 23, 1979:	Motion to reconsider filed.
September 10, 1979:	Motion denied.

ARTICLE 10
ANNOTATED CODE OF MARYLAND

§ 20. Practice during suspension or disbarment.

No attorney during the time of his suspension or disbarment, shall practice law in this State in any form either as principal or agent, clerk or employee of another and specifically, without limiting the foregoing, no such attorney during his suspension or disbarment from practice of law shall appear as attorney or counsellor at law before any court, judge, justice, board, commission or public officer, or prepare any will, mortgage or deed. (An. Code, 1951, §20; 1939, §20; 1924, §11; 1912, §10; 1904, §10, 1900, ch. 309. §11A; 1929, ch. 370, §11.)

§ 22. Reinstatement after pardon.

Any attorney heretofore or hereafter suspended or disbarred from the practice of his profession in this State because of the conviction of any misdemeanor, who may have been or may hereafter be pardoned for such misdemeanor by the Governor of this State, shall, upon application to the court which issued the order of suspension or disbarment, be entitled to be reinstated as a member of the Bar in good standing; provided the court, to which said application may be addressed, shall be satisfied that during the period of his suspension or disbarment he has not violated the provisions of §20 of this article, and that he is otherwise worthy of reinstatement. The provisions of this article relating to hearing and appeal in proceedings for suspension and disbarment shall be applicable to proceedings for reinstatement under this section. (An. Code, 1951, §22; 1939, §22; 1947, ch. 370.)